

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01..04..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6465 of 2021

R.Naveen

... Petitioner

-versus-

State Rep. by its

The Inspector of Police,

H-8, Thiruvottiyur Police Station,

Thiruvottiyur, Chennai.

[Crime No.64 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 64 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.S.Ponnivalavan

For Respondent : Mr.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.03.2021 in connection with a case registered in Crime No.64 of 2021 for the offence punishable u/s 394 and 398 of IPC, seeks bail.

2. Totally there are two accused. The petitioner is A2. The allegation is that the petitioner along with other accused, attacked the de facto complainant and attempted to commit robbery, however, he escaped from the accused.

3. The learned counsel for the petitioner submitted that the petitioner is innocent of the alleged offence and he has been falsely implicated. He has been in judicial custody for the last more than 25 days and he is ready to abide by any conditions that may be imposed by this court in the event of granting bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the petition reiterating the allegations made in the FIR and stating that the petitioner has one previous case to his credit. She however admitted that the injured had been discharged from the hospital.

5. Considering the fact that the injured had been discharged from the hospital and the nature of allegations and also on considering the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur, and on further conditions that:-

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
H-8, THIRUVOTTRIYUR POLICE STATION,
THIRUVOTTRIYUR, CHENNAI.

+1 CC to M/S. S.PONNIVALAVAN Advocate on payment of necessary charges SR.No.4382

सत्यमेव जयते

WEB COPY
CRL OP.6465/2021
Date :01/04/2021

cs 07/04/2021